

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

STANLEY N. OZOROSKI

Petitioner

v.

EDWARD J. KLEM; THE DISTRICT
ATTORNEY OF THE COUNTY OF
MONTGOMERY, AND THE ATTORNEY
GENERAL OF THE STATE OF
PENNSYLVANIA

Respondents

Civil Action No. 04-0561

ORDER

September 28, 2005

Upon consideration of the pleadings and record herein, and after review of the Report and Recommendation of United States Magistrate Judge Charles B. Smith, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.¹

¹ In approving and adopting this Report and Recommendation, I do not undertake to endorse the particular analysis of petitioner Ozoroski's Ex Post Facto Clause claim. However, I agree with Judge Smith's conclusion that the Ex Post Facto Clause claim is without merit.

2. The Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254, is DENIED.
3. There is no probable cause to issue a certificate of appealability.

It is so ORDERED.

BY THE COURT:

LOUIS H. POLLAK J.